## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS WACO DIVISION

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CHRISTOPHER FERGUSON,
INDIVIDUALLY AND ON BEHALF OF ALL
OTHERS SIMILARLY SITUATED;

Plaintiff

-VS-

TEXAS FARM BUREAU, TEXAS FARM BUREAU BUSINESS CORPORATION, TEXAS FARM BUREAU CASUALTY INSURANCE COMPANY, TEXAS FARM BUREAU MUTUAL INSURANCE COMPANY, TEXAS FARM BUREAU UNDERWRITERS, FARM BUREAU COUNTY MUTUAL INSURANCE COMPANY OF TEXAS, SOUTHERN FARM BUREAU LIFE INSURANCE COMPANY,

**Defendants** 

W-17-CV-00111-ADA

## ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske. ECF No. 376. The Report recommends that this Court deny Defendant's Motion for Partial Summary Judgment (ECF No. 308) and deny as moot Defendants' Motion for Hearing (ECF No. 367). The Report and Recommendation was entered and signed on the docket on August 4, 2021 but was not served on the parties through the ECF System until August 19, 2021. Accordingly, the Court vacated its prior order (ECF No. 378) to afford the parties fourteen days to object to the Report and Recommendation from the date of service.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider "[f]rivolous, conclusive, or

general objections." Battle v. U.S. Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987) (quoting

Nettles v. Wainwright, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), overruled on other

grounds by Douglass v. United States Auto. Ass'n, 79 F.3d 1415 (5th Cir. 1996)).

Defendants timely filed objections on September 2, 2021. ECF No. 380. Plaintiff

responded to Defendants' objections on September 16, 2021 (ECF No. 381), and Defendants

replied on September 24, 2021 pursuant to the Court granting leave for its delayed filing (ECF

No. 384). The Court has conducted a *de novo* review of the motion for partial summary judgment

and motion to set a hearing, the responses, the report and recommendation, the objections to the

report and recommendation, and the applicable laws. After that thorough review, the Court is

persuaded that the Magistrate Judge's findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United

States Magistrate Judge Manske, ECF No. 376, is ADOPTED.

IT IS FURTHER ORDERED that Defendant's objections are OVERRULED.

IT IS FURTHER ORDERED that Defendant's Motion for Partial Summary Judgment

(ECF No. 308) is **DENIED** in accordance with the Report and Recommendation.

IT IS FINALLY ORDERED that Defendants' Motion for Hearing (ECF No. 367) is

**DENIED AS MOOT.** 

SIGNED this 29th day of September, 2021.

ALAN D ALBRIGHT

UNITED STATES DISTRICT JUDGE